MT LEGISLATIVE HISTORY

Chapter 254 1985

Bill H 414 S _____ Original bill & hist. ___C

H. Committee on Loc. Gov't		S. Committee on Loc. Gov't	
Hearing Date(s) Feb 12	✓ C	Hearing Date(s) Mar 12	✓ C
Feb 14	✓ C	Mar 16	✓ C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Feb 14	✓ C	Mar 18	✓ C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

CHAIRMAN--FULLER, DAVE
NORMAL SCHEDULE==> SITE: ROOM 405 DAYS: TU-TH-SAT TIME: 12:30-2:30 P.M. SECRETARY-GHILARDI, CHERYL

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES----------	COMMITTEE ACTION----------	REREFERRED TO COMM----	DATE OUT-
HB0248	2/07	3/09		TABLED		
SCHYE, TED			LOCAL GOVERNMENT DEPOSIT SECURITY NET WORTH TO TOTAL ASSETS RATIO			
HB0263	1/30	3/09		CONCUR AS AMENDED		3/9
PISTORIA, PAUL G.			LOCAL GOVERNMENTS AND SCHOOL DISTRICTS TO PAY INTEREST ON OVERDUE ACCOUNTS			
HB0277	3/04	3/09	3/12 3/16	CONCUR AS AMENDED		3/16
MANUEL, REX			ALLOW PRIVATE PARTIES TO RUN JAILS; EXEMPT JAILS FROM FINANCING LIMITS			
HB0299	2/09	3/09		CONCUR		3/9
EUDAILY, RALPH S.			COUNTY PRINTING - BIDS BY NONRESIDENTS - RESIDENT 5% PREFERENCE			
HB0328	2/14	3/09		TABLED		
HANNAH, TOM			SINGLE LOCAL BANK TO BID ON INTEREST PAID ON DEPOSITS OF PUBLIC FUND			
HB0333	2/12	3/05	3/07	CONCUR AS AMENDED		3/7
BRADLEY, DOROTHY			ALLOW A JP OR MUNICIPAL JUDGE TO NAME A PERSON TO ACT AS JUDGE IN HIS BEHALF			
HB0345	2/08	3/12		CONCUR		3/12
SPAETH, GARY			COMMERCE TO ADMINISTER COMMUNITY DEVELOPMENT BLOCK GRANT			
HB0379	2/13	3/12		CONCUR		3/12
GARCIA, RODNEY L.			OPTIONAL PUBLICATION REQUIREMENTS FOR COUNTY COMMISSIONERS			
HB0384	2/25	3/19		CONCUR		3/19
BERGENE, TONI R.			NO ELECTION ON ANNEXATION IF ALL PROPERTY OWNERS OF AREA SIGN PETITION			
HB0414	2/21	3/12	3/16	CONCUR		3/16
IVERSON, DENNIS			PUBLIC SAFETY COMMISSION EMPLOYEES - SALARY, WORKPERIOD, AND OVERTIME			
HB0431	2/22	3/12		CONCUR		3/12
NATHE, DENNIS G.			REQUIRE SHERIFF'S SALE TO BE POSTED & PUBLISHED 1 WEEK BEFORE SALE			

ACTION TAKEN ON HOUSE BILL 431: Senator McCallum moved that HB 431 BE CONCURRED IN. The motion passed with Senators Hirsch and Story voting no. Senator McCallum will carry the bill.

CONSIDERATION OF HOUSE BILL 414: Representative Dennis Iverson, District #12, is the sponsor of this bill. The bill was introduced to revise the salaries, work period, and overtime compensation provisions of employees of a local department of public safety; to provide minimum salaries based on deputy sheriff compensation with exceptions; to provide for a work period designation to replace the work week; and to provide that employees' rate of overtime may be established by the board of county commissioners.

PROPONENTS

Joe Garfield, Toole County Commissioner, spoke in favor of the bill. He distributed a handout regarding sheriffs' salaries and public safety director and employees' salaries. It is attached as Exhibit C to these minutes. He said they are losing trained sheriffs to labor jobs because they pay more.

Senator Gary Aklestad, District #6, stated his support of the bill.

Gordon Morris, representing the Montana Association of Counties, stated his support of the bill.

OPPONENTS

There were no opponents to HB 414.

Chairman Fuller opened the hearing for Committee questions. There were no questions from the Committee regarding HB 414.

The hearing was closed on HB 414.

Senator Regan requested the bill be held by the Committee until we deal with the other county salary bills.

CONSIDERATION OF HOUSE BILL 436: Representative Earl Lory, District #59, is the sponsor of this bill. The bill was introduced to require membership of one conservation district board member on each city-county planning board in the State.

PROPONENTS

Ray Beck, representing the Conservation Districts Division of the Department of Natural Resources and Conservation, spoke in favor of the bill. His written testimony is attached as Exhibit D to these minutes.

The hearing was closed on HB 564.

ACTION TAKEN ON HOUSE BILL 564: Senator Eck moved that HB 564 BE CONCURRED IN. The motion passed unanimously with Senators McCallum and Crippen absent. Senator Regan was excused from the meeting after this vote. Senator Pinsoneault will carry the bill.

ACTION TAKEN ON HOUSE BILL 414: Senator Eck moved that HB 414 BE CONCURRED IN. The motion passed with Senator Regan (absentee vote) voting no. Senator Aklestad will carry the bill.

ACTION TAKEN ON HOUSE BILL 436: Karen Renne explained the proposed amendments to the bill. They are attached as Exhibit A to these minutes.

Senator Hirsch moved the amendments be adopted. The motion passed unanimously.

Senator Mohar moved that HB 436 as amended BE CONCURRED IN. The motion passed with Senator Story voting no. Senator Neuman will carry the bill.

ACTION TAKEN ON HOUSE BILL 483: Karen Renne explained the proposed amendments to the bill. The are attached as Exhibit B to these minutes.

Senator Pinsoneault moved the amendments be adopted. The motion passed unanimously.

Senator Hirsch moved that HB 483 as amended BE CONCURRED IN. The motion passed unanimously. Senator Hirsch will carry the bill.

ACTION TAKEN ON HOUSE BILL 239: Karen Renne explained the proposed amendments to the bill. They are attached as Exhibit C to these minutes.

Senator Eck moved the amendments be adopted. The motion passed unanimously.

Senator Mohar moved that HB 239 as amended BE CONCURRED IN. The motion passed with Senator McCallum (absentee vote) voting no. Senator Crippen will carry the bill.

CONSIDERATION OF HOUSE BILL 746: Representative Helen O'Connell, District #40, is the sponsor of this bill. The bill was introduced to authorize an assessment option based upon water meter size to be used in assessing costs in fire hydrant maintenance districts.

PROPONENTS

Nathan Tubergen, Finance Director for the City of Great Falls, spoke in favor of the bill. He said when the charges are based on square footage, they are very inequitable. This bill would

STANDING COMMITTEE REPORT

MARCH 13 19 85

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE BILL No. 414

THIRD reading copy (BLUE color)

(AKLESTAD WILL CARRY)

PUBLIC SAFETY COMMISSION EMPLOYEES - SALARY, WORKPERIOD, AND OVERTIME

Respectfully report as follows: That HOUSE BILL No. 414

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

Senator Dave Fuller Chairman.

STATUS SHEET

49th LEGISLATIVE SESSION

COMMITTEE ON LOCAL GOVERNMENT

HOUSE BILLS

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB 373	1-23-85	2-7-85	2-7-85	2-7-85					
HB 379	1-23-85	2-7-85	2-7-85	2-7-85					
HB 382	1-23-85	2-5-85	Tabled 2-5-85						
HB 384	1-23-85	2-12-85	2-14-85		2-14-85				
HB 385	1-23-85	2-12-85	2-14-85		2-14-85				
HB 393	1-23-85	2-21-85	TABLED 3-21-85						
HB 407	1-23-85	3-26-85 2-7-85	Tabled 2-7-85			Reconsidered 3-26-85	~~3-26-85~~		
HB 414	1-23-85	2-12-85	2-14-85			2-14-85			
HB 431	1-23-85	2-7-85	Re-referred to Judiciary						
HB 436	1-23-85	2-2-85	2-2-85			2-2-85			
HB 457	1-24-85	2-9-85	2-9-85			2-9-85			
HB 465	1-24-85	2-9-85	2-9-85			2-9-85			
HB 470	1-24-85	2-5-85	WITHOUT 2-9-85	RECOMMENDATION					
HB 496	1-28-85	2-14-85	2-14-85			2-14-85			
HB 504	1-28-85	2-14-85	2-14-85		2-14-85				
HB 505	1-28-85	2-9-85	2-9-85			2-9-85			

Gordon Morris representing the Montana Association of Counties, stated that on behalf of MACO, he would like to go on record in support of HB 519.

There were no opponents to HB 519.

Rep. Sales closed his presentation.

There were no questions from the committee members.

CONSIDERATION OF HOUSE BILL NO. 414: Rep. Iverson of District 12, sponsor, presented the bill to the committee. He said the bill was drafted at the request of two county commissioners. He passed out amendments which he went over. Page 1, line 22, ollowing "specified", insert "for the sheriff". Page 1, line 24, includes longevity. Page 2, line 1, following "salary", strike remainder of line 1 and all of line 2. This is to make sure we are not including longevity.

PROPONENTS: Joe Gottfried of Shelby, said this is their bill. He said that Rep. Iverson pretty well described the part they are really interested in which is the housekeeping part of the bill. He said they are unique in that they are on the Canadian border and 52% of the prisoners are in their county because of their location. This would allow a consolidation from all law enforcements. They would be able to pay their people what they should be paid. In 1979 they were eligible to form a consolidated form of law enforcement. This increased the salaries of the police department, and it took a lot of work from the city police. It also allows for better scheduling of men.

Rae Kalbflech of Shelby passed out written testimony, Exhibit 1, which explains the laws pertaining to sheriffs' salaries and deputies under non-consolidated sheriff departments, as well as laws pertaining to director and employees of consolidated city-county department of public safety.

There were no opponents to HB 414.

In closing, Rep. Iverson stated all they want is the authority to set their own salaries which is the intent of this bill. The reason there are no opponents is that he spent a lot of time with the peace officers to make sure there would be no problem.

CONSIDERATION OF HOUSE BILL NO. 673: Rep. Mike Kadas appeared as sponsor of the bill, which changes the time when a local government may bring a suit challenging the validity and constitutionality of a petition and proposed action. The current law says that a city may file in court to say if a ballot is valid. He says this bill does two things: It sets up front, instead of at the end, to collect signatures for a petition that it is not constitutional, and when a city sues on a problem like this, it has to sue at least 20 of the people who signed

Rep. Gilbert asked Mr. Gebhardt if there is a barrier, the city cannot annex, and Mr. Gebhardt replied no. Rep. Gilbert then asked if he was not concerned about the barriers, to which Mr. Gebhardt replied that he is concerned, and they are looking at the package proposal of the League of Cities and Towns.

Rep. Bergene closed her presentation of HB 385.

The committee then went into executive session for action on bills. However, due to the power being off earlier, the Chairman stated that they would only have 15 minutes of daylight in which to work so they would probably not be able to take action on all bills.

DISPOSITION OF HOUSE BILL NO. 580: Rep. Sales moved to DO PASS HB 580, seconded by Rep. Brown, who also pointed out this was up to 1 mill. Question being called, Rep. Sales' motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 519: Rep. Kadas moved that HB 519 DO PASS, seconded by Rep. Brown. The motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 517: Rep. Hansen moved that HB 517 DO PASS, seconded by Rep. Kadas. Rep. Sales moved to AMEND by inserting "deposit fund in the county trust fund". Rep. Sands asked what the district fund is and Lee Heiman said it is the 6 mills established. Rep. Switzer asked if there is some lack of statutes and is this just a means of raising a $5 fee without putting a border on locating authority, or are they, for some reason, prevented from raising at this time. He was told that all court fees are set. The motion to amend PASSED UNANIMOUSLY.

Rep. Sales then moved the second amendment to change the fee from $5 to $2, seconded by Rep. Sands. Rep. Hansen said she wanted to address the second amendment and spoke in opposition to it. In one county they have to hire one person to handle only those payments. The question being called for, Rep. Sales' motion CARRIED UNANIMOUSLY.

Rep. Sales then moved that HB 517 DO PASS AS AMENDED, seconded by Rep. Fritz. Motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 673: Rep. Kadas moved that HB 673 DO PASS, seconded by Rep. Brown. Rep. Fritz moved to amend 30 days to 10 working days, seconded by Rep. Kadas. Question being called, motion PASSED UNANIMOUSLY. Rep. Brown then moved that HB 673 DO PASS AS AMENDED, seconded by Rep. Wallin. Rep. Brown's motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 414: Rep. Brown moved that HB 414 DO PASS, seconded by Rep. Kadas. Rep. Brown then moved the

amendments which the committee had before them, seconded by Rep. Kadas. It was explained that the reason for the amendments is the sheriff's fee structure. Rep. Brandewie then stated he thought they should quit as it was getting too dark and postpone action on HB 414.

The meeting was adjourned at 6:00 p.m.

Rep. Paula Darko

PAULA DARKO, Chairman

Exhibit
HB 414
2-12-
Rep. I

LAWS PERTAINING TO SHERIFF'S SALARIES AND DEPUTIES UNDER NON-CONSOLIDATED SHERIFF'S DEPARTMENT

SHERIFF'S SALARIES:

Section 7-4-2503(1)(a), M.C.A. sets the salaries of the county officers based upon class of county and population.

Section 7-4-2503(2)(a), M.C.A. increases the sheriffs base salary by $2,000.00 per year.

Section 7-4-2504, M.C.A. provides for cost of living increments for sheriff.

DEPUTY SHERIFF'S SALARIES:

Section 7-4-2508, M.C.A. establishes compensation for the undersheriff at 95% of the sheriff's salary and also authorizes the sheriff to fix the compensation of a deputy sheriff at a percentage of the sheriff's salary and in Toole County with a population of less than 15,000.00 the deputies salary must be set by the sheriff at 85% to 90% of his salary.

DEPUTY SHERIFF WORK PERIOD:

Section 7-4-2509, M.C.A. provides a deputy sheriffs work period shall not exceed 2080 hours in any year.

DEPUTY SHERIFF'S LONGEVITY OF ITS EMPLOYEES:

Section 7-4-2510, M.C.A. provides for a 1% of base salary longevity payment for each year of service as a deputy sheriff.

INTERPRETATION:

Section 7-4-2507, M.C.A. provides that in the event of a conflict between the above mentioned Sections 7-4-2508 through 7-4-2510 and any other law that Sections 7-4-2508 through 7-4-2510 shall govern with reference to undersheriffs and sheriff's deputies.

LAWS PERTAINING TO DIRECTOR AND EMPLOYEES OF CONSOLIDATED CITY-COUNTY DEPARTMENT OF PUBLIC SAFETY:

PUBLIC SAFETY DIRECTOR AND EMPLOYEE SALARIES:

Section-32-105, M.C.A. reads as follows:

"The provisions of Section 7-4-2503 M.C.A. notwithstanding, the salarie of the director and employees of th Department of Public Safety shall b established by the Public Safety Commission and shall be paid by the city or town with the board of county commissioners. Said salarie in any event shall not be less than those specified in 7-4-2503."

STATUS OF TOOLE COUNTY CITY OF SHELBY CONSOLIDATED DEPARTMENT OF PUBLIC SAFETY:

(a) Created in 1980;

(b) Public Safety Commission established the director's salary a $22,500.00;

(c) Public Safety Commission established salaries of its employees at more than 85% of the salary the Toole County Sheriff would have received as a non-consolidated sheriff under Section 7-4-2503 but less than 85% of the salary of the director of Public Safety Commission:

(d) Public Safety Commission established the salary of each based upon experience, training and dedication rather than a straight fixed percentage of the director's salary as was previously used and i still in use by non-consolidated sheriff's departments.

LAW SUIT:

In 1983, certain employees of the Department of Public Safety filed a law suit against the Director of Public Safety, Toole County, the City of Shelby, and the Public Safety Commission to recover longevity, overtime and 85% of the director's salary.

JUDGES RULING:

In July of 1984, the District Judg ruled that the Department of Publi Safety employees are in reality deputy sheriffs and although the Department of Public Safety may establish the salaries of the director and its employees, it mus pay the department employees 85% o the salary of the director not jus 85% of the sheriff's statutory salary under a non-consolidated sheriff's office. The Judge also awarded Plaintiffs longevity payments. The Court found that Sections 7-4-2507 through Section 7-4-2510 apply to employees of the Department of Public Safety but th actual salary is to be determined the Public Safety Commission.

PROPOSED AMENDMENTS TO HB 414

1. Page 1, line 22
   Following "specified" insert "for the sheriff"

2. Page 1, line 24
   Following 7-4-2508 insert "and 7-4-2510 combined"

3. Page 2, line 1
   Following "salary", strike remainder of line 1 and
   all of line 2

Rep. Kadas said that if people had problems with it, they would have testified against it.

Rep. Hansen asked Rep. Gilbert why he wouldn't want to protect his ground water from pollution, and Rep. Gilbert replied that he does want it, but there is a problem with people not being qualified to take care of the problem.

Rep. Brown then offered a substitute motion to put a (.) period after "surface runoff" on line 29, page 3. Rep. Brandewie said he sees a problem with leaving section (vi) in there. Rep. Darko seconded Rep. Brown's substitute motion to amend. Question being called for, motion FAILED.

Question was then called for on Rep. Brandewie's motion to strike Subsection (vi), and motion PASSED on a 9 to 5 vote. Rep. Kadas then moved that HB 727 DO PASS AS AMENDED, and this was seconded by Rep. Hansen. Motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 414: Rep. Brown moved to DO PASS, and this was seconded by Rep. Sales. Rep. Kitselman moved to amend, seconded by Rep. Brown. Rep. Gilbert asked Lee Heiman if this is airtight so that we will not have the same situation as Shelby with the deputy sheriffs. Lee Heiman answered that he felt this accomplishes that.

Rep. Sands asked what it has done by adding 7-4-2510, and Lee Heiman answered this is the longevity. Rep. Sands then asked if 7-4-2508 is a sliding scale for employees of the department of public safety, and Lee Heiman replied no, but it is a sliding scale for sheriff salaries.

Question was called for, and motion CARRIED.

Rep. Brown then moved that HB 414 DO PASS AS AMENDED, which was seconded by Rep. Sales. Question being called for, motion CARRIED, with Rep. Pistoria and Rep. Switzer opposed.

DISPOSITION OF HOUSE BILL NO. 239: Rep. Wallin moved a DO PASS for HB 239, seconded by Rep. Brown. Rep. Sales moved amendments submitted by Sue Bartlett, Lewis and Clark County Clerk and Recorder. Rep. Brown seconded this motion. Question being called for, motion CARRIED. Rep. Sales then moved Rep. Wallin's amendments which were presented at the time of the bill, (front side of Bartlett's amendment), and this was seconded by Rep. Wallin. Rep. Brandewie stated he would like to see it all together, and moved that it be turned into a grey bill which would be drafted with all amendments included.

DISPOSITION OF HOUSE BILL NO. 384: Rep. Switzer moved that HB 384 DO NOT PASS, and this was seconded by Rep. Gilbert. Question being called for, motion CARRIED, with Rep. Kadas, Rep. Hansen, Rep. Fritz, Rep. Sales, and Chairman Darko voting "no". Rep. Sands did not vote.

STANDING COMMITTEE REPORT

February 14, 1975

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 114

FIRST reading copy (WHITE color)

PUBLIC SAFETY COMMISSION EMPLOYEES - SALARY, WORKPERIOD, AND OVERTIME.

Respectfully report as follows: That HOUSE Bill No. 114

BE AMENDED AS FOLLOWS:

1. Page 1, line 22.
Following: "specified"
Insert: "for the sheriff"

2. Page 1, line 24.
Following: "7-4-2503"
Insert: "and 7-4-2514"

3. Page 2, lines 1 and 2.
Following: "salary"
Strike: the remainder of subsection (1) in its entirety

AND AS AMENDED,

DO PASS

PETER BARDO, Chairman.

COMMITTEE SECRETARY

STATE PUB. CO.
Helena, Mont.

February 14, 1 19 85

5. Page 3, lines 13 through 23.
Strike: subsection (vi) in its entirety

6. Page 4, line 3.
Strike: "$500"
Insert: "$200"

AND AS AMENDED,
DO PASS

PAULA DARKO, Chairman.

STATE PUB. CO.
Helena, Mont.